

REMARKS

By the foregoing amendment, claims 1-5 have been amended and claims 6-10 have been canceled. Claims 11 and 12 have been added. Applicants note that no new matter has been added and the amendments are fully supported by the specification. Applicants amended the claims in response to the Examiner's rejections and to render them even more in conformance with U.S. Patent Practice.

Applicants submit that the amendment has been made to advance prosecution and without acquiescence to limit the scope of the invention to the present claims. Applicants reserve the right to prosecute unclaimed subject matter in one or more continuation applications.

Formal Matters

Applicants note with appreciation that the Examiner has considered the Information Disclosure Statements submitted March 14, 2007 and January 30, 2009 and confirmed such consideration by returning signed and initialed copies of the forms PTO-1449.

Applicants also note that the Action indicates that none of the certified copies of the priority applications have been received by the Office. Applicants respectfully submit that the undersigned has contacted the Patent Office on April 9, 2009 by telephone to clarify whether certified copies of the priority documents by the International Bureau. The Patent Office's Helpdesk informed the undersigned that the priority documents had been received. Applicants respectfully request that the Examiner review the application regarding the receipt of certified copies of priority documents and respectfully confirm the receipt with the next communication.

Claim Rejections under 35 U.S.C. § 112, first paragraph

The Action rejects claims 1-10 under 35 U.S.C. § 112, first paragraph for allegedly not reasonably providing enablement for the phrase "hydrate or solvate thereof."

With the foregoing amendment, Applicants respectfully submit that this rejection has been addressed and respectfully request its withdrawal.

The Action rejects claims 6-10 under 35 U.S.C. § 112, first paragraph for allegedly not providing reasonable enablement for

(a) a tau protein kinase 1 (“TPK1”) inhibitor generally;

(b) a medicament which is used for preventive and/or therapeutic treatment of all types of diseases caused by a tau protein kinase I hyperactivity; and

(c) a medicament which is used for *preventive* and/or therapeutic treatment of neurodegenerative diseases, diabetes, obesity, manic depressive illness, schizophrenia, alopecia, breast cancer, non-small cell lung cancer, thyroid cancer, T or B-cell leukemia, or a virus-induced tumor generally. Applicants note that the Office concedes that Alzheimer’s disease and rheumatoid arthritis are enabled by the specification.

Applicants respectfully request withdrawal of the rejections in view of the cancellation of claims 6-10.

Applicants have introduced new claims 11-13 that include some of the recitations of previous claims 6-10. With respect to the new claims, Applicants respectfully submit that the Specification discloses on pages 43 and 44 examples of cerebral TPK1 inhibition by 25 compounds according to formula (I). Furthermore, the Specification discusses in detail the medicinal benefit of cerebral TPK1 inhibition and discloses medicament compositions, for example, on pages 45 and 46. Thus, Applicants respectfully submit that the new claims find support in the specification and the rejection under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claim Rejections under 35 U.S.C. § 112, second paragraph

The Office raises the following rejections of claims 1-10 under 35 U.S.C. § 112, second paragraph:

- a) The claims are rejected because of the term “pyrimidone *derivative*.” The Examiner suggests amending the term to “pyrimidone compound.”
- b) The phrases “e.g.” and “other dementia including” in claim 9 should be removed.
- c) The phrase “such as” in claim 10 should be removed.

Applicants thank the Examiner for the suggestion of terms and address the above rejections in the present amendment. Withdrawal of the rejections is respectfully requested.

Double Patenting Rejections

The Office rejects claims 1-10 for allegedly being unpatentable on the ground of non-statutory double patenting over claims 1-12 of U.S. Patent 7,504,411.

In response to the rejections, Applicants is currently executing a Terminal Disclaimer, of which an unexecuted copy is enclosed. Applicants understand that the Office will withdraw the obviousness-type double patenting rejection only upon receipt of the executed Disclaimer.

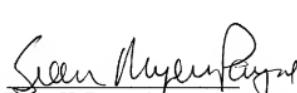
CONCLUSION

With the foregoing amendments and remarks and the enclosed Terminal Disclaimer, Applicants have addressed all rejections and respectfully request their withdrawal. Applicants believe that the present application is in condition for allowance.

Applicants believe that no additional fee is necessary. However, if a fee is deemed required for ensuring the pendency and consideration of this amendment, the undersigned authorizes the Office to charge Deposit Account No. 19-0089 any requisite fee.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,
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Enclosures: Terminal Disclaimer (unexecuted)
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